

EPTING & RANNIK

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January 29, 2025

VIA ECF

The Honorable Richard M. Gergel
United States District Judge
United States District Court for the District of South Carolina
J. Waites Waring Judicial Center
83 Meeting Street
Charleston, SC 29401

RE: Nautilus Insurance Company v. Cory Fleming, et al.
Civil Action No. 2:22-cv-01307-RMG

Dear Judge Gergel:

I write on behalf of Nautilus Insurance Company (“Nautilus”) regarding an election of remedies. On January 8, 2025, the jury returned a \$1.25m verdict against Defendant Cory Fleming in favor of Nautilus on its claims of Civil Conspiracy and Violation of the South Carolina Unfair Trade Practices Act (“SCUTPA”). The jury awarded Nautilus an additional \$50,000 in punitive damages on the Civil Conspiracy claim. Subsequently, the Court entered orders trebling the damages [ECF No. 325] and awarding attorneys’ fees [ECF No. 330] in relation to Nautilus’ claim under SCUTPA.

Nautilus is entitled only to a single remedy (*see, e.g., Homeland Training Ctr., Ltd. Liab. Co. v. Summit Point Auto. Research Ctr.*, 594 F.3d 285 (4th Cir. 2010)) and therefore must elect between the awards relating to its Civil Conspiracy claim and its SCUTPA claim. Nautilus elects the latter and respectfully requests judgment be entered in its favor in the amount of \$4,047,242.35 as to Mr. Fleming.

Respectfully submitted with best regards,

EPTING & RANNIK



Jaen G. Rannik

cc: Thomas A Pendarvis, Esq. (*Via ECF*)
Robert H. Hood, Jr., Esq. (*Via ECF*)
Gregg Meyers, Esq. (*Via ECF*)